

## INSTRUCTION SHEET

### FEDERAL TORT CLAIMS ACT

Under the provisions of the Federal Tort Claims Act (28 USC 2674), which is implemented by Army Regulation 27-20, Chapter 4, the United States Government is authorized to pay money damages for injury or death, or property damage caused by a negligent act or omission of an employee of the United States acting within the scope of employment.

Each claimant individually must first submit a claim to the appropriate federal agency, e.g., the U.S. Army, for administrative consideration. This is a prerequisite to initiating any later lawsuit.

All claims must be filed no later than two years after a negligent act or omission is known about (or should reasonably be known) which caused the injury, death or loss.

If it is your intention to file a claim against the United States, you must comply with the general instructions as set forth on the Standard Form 95. In addition, it will be necessary to adhere to the following special instructions regarding furnishing information and documentation in support of the claim:

1. A completed Standard Form 95, Claim for Damage or Injury--furnish a complete description of the incident, including the names and addresses of responsible authorities you reported the incident to. This form must state the damage claim in a definite dollar amount ("a sum certain"), or the claim will be defective and cannot be considered. A defective claim does not toll (stop) the applicable two year statute of limitations. In addition, if a claim is filed for an administrative settlement, and is denied, if the claimant later files a lawsuit, the amount recoverable as damages in the suit may not exceed the amount claimed on the administrative claim except on proof of newly discovered evidence not reasonably discoverable at the time of the filing of the claim, or of intervening facts relating to the amount of the claim. **NOTE:** Your residence and work telephone numbers and zip code are essential to ensure contact can be made with you.

2. Statement from any witnesses to the incident as it occurred.

3. Where property damage is alleged, proof of ownership must be furnished. An estimate of repair, or a paid bill showing the work was actually performed must also be provided. If the item is totally destroyed, you must submit an appraisal showing this fact, which must include the amount of salvage value.

4. Where personal injury/death is alleged, a complete copy of all medical bills related to the claim, medical records (both prior to, concurrent to, and following the injury), medical statements from treating and consulting health care providers setting forth the nature and extent of the injuries and any prognosis for recovery. To evaluate your medical evidence, it may become necessary, at a future date, for the injured person(s) to submit to a medical examination

at a military medical facility. This office will keep you informed in this regard.

5. The claim must be submitted in the name of the owner of the property. If there is more than one owner, the claim must be submitted in the names of, and be signed by, all parties in interest.

6. A claim presented by an agent or legal representative will be made in the name of and be signed by the owner or injured party. The agent or legal representative must also submit a power of attorney or similarly authenticated document allowing him/her to act on behalf of the claimant. **NOTE: A FEE AGREEMENT WITH AN ATTORNEY IS NOT SUFFICIENT.**

7. Please note and complete the section on the reverse side of the Standard Form 95 pertaining to insurance. Any portion of expenses covered by any form of insurance or workers' compensation should be noted in the appropriate blocks.

8. In the event of a subrogated claim, it will be necessary that the insurer and the insured either file a joint claim for the total amount of damage, or separate claims for their respective interests (additional claims forms may be obtained upon request). If a joint claim is filed, the names of both the insured and the insurer should appear in Block 1, "Name of Claimant," and both the insured and the insurer should sign as claimants. The insurer must also provide a signed "Authority to File" document, a copy of which is available upon request.

9. Any other pertinent information or documentation you may have regarding the incident.

10. Army Regulation 27-20 provides for a six month administrative investigation and settlement period beginning on the date of the claim being filed. Any lawsuit contemplated may not be filed until AFTER the six month period. However, there is no requirement that suit be filed, provided the claimant is satisfied that progress is being made on the claim.

11. Any claim or correspondence should be addressed to:

Office of the Staff Judge Advocate  
9990 Belvoir Drive, Building 257  
ATTN: Claims Office  
Fort Belvoir, Virginia 22060-6107

If you have any questions concerning your claim, or if you have trouble understanding the filing instructions, do not hesitate to call the Fort Belvoir Claims Office at 703-805-4031 or 703-805-4377.